

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SPRINT SPECTRUM L.P., SPRINTCOM,	:
INC. and SPRINT/UNITED	:
MANAGEMENT COMPANY	:
	: Case No. 19 Civ. 1215 (VSB)
Plaintiffs,	:
	: <b><u>DECLARATION OF CRAIG B.</u></b>
-against-	: <b><u>WHITNEY</u></b>
	:
AT&T MOBILITY LLC,	:
	:
Defendant.	:
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I, CRAIG WHITNEY, an attorney at law admitted to practice before the courts of this state, declare as follows:

1. I am a partner of the firm Frankfurt Kurnit Klein & Selz, P.C., attorneys for plaintiffs Sprint Spectrum L.P., SprintCom, Inc., and Sprint/United Management Company (collectively, "Sprint"). I am a member in good standing of the Bar of the State of New York. I have personal knowledge of the following facts and submit this declaration in support of Sprint's Motion for a Preliminary Injunction.

2. Attached hereto as **Exhibit 52** is a true and correct copy of excerpts from the March 15, 2019 Deposition of David Christopher in this action.

3. Attached hereto as **Exhibit 53** is a true and correct copy of an email produced by AT&T Mobility LLC ("AT&T"), bearing bates number ATTM-019114, dated November 29, 2018 from [REDACTED]

4. Attached hereto as **Exhibit 54** is a true and correct copy of an email produced by AT&T, bearing bates number ATTM-021729-21730, dated January 26, 2019 from [REDACTED]

[REDACTED]

5. Attached hereto as **Exhibit 55** is a true and correct copy of an email produced by AT&T, bearing bates number ATTM-021957-21957, dated April 5, 2018 from [REDACTED]  
[REDACTED]

6. Attached hereto as **Exhibit 56** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-021959, entitled [REDACTED]  
[REDACTED]

7. Attached hereto as **Exhibit 57** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-004297-4314, dated November 2018 and entitled  
[REDACTED]

8. Attached hereto as **Exhibit 58** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-018949-18959, a transcript from a September 12, 2018 panel at Goldman Sachs Communacopia Conference with AT&T Inc. Chairman, CEO & President, Randall L. Stephenson.

9. Attached hereto as **Exhibit 59** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-016972-17000, dated November 9, 2016 and entitled  
[REDACTED]

10. Attached hereto as **Exhibit 60** is a true and correct copy of excerpts from the March 19, 2019 Deposition of William “Gordon” Mansfield in this action.

11. Attached hereto as **Exhibit 61** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-022458-22495, dated April 5, 2018 and entitled [REDACTED]  
[REDACTED]

12. Attached hereto as **Exhibit 62** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-011644-11653, entitled [REDACTED]

13. Attached hereto as **Exhibit 63** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT-00041418.

14. Attached hereto as **Exhibit 64** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-018083-18097, dated 2016 and entitled [REDACTED]

15. Attached hereto as **Exhibit 65** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-023727-23729, dated September 27, 2018 from [REDACTED]

16. Attached hereto as **Exhibit 66** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-035022, an email dated December 17, 2018 from [REDACTED]

17. Attached hereto as **Exhibit 67** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-035023-35025, dated December 13, 2018 and entitled [REDACTED]

18. Attached hereto as **Exhibit 68** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT00040904-40907, a screen capture of AT&T's homepage as of January 15, 2019.

19. Attached hereto as **Exhibit 69** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-018865-18869, dated January 4, 2017 and entitled "AT&T Details 5G Evolution."

20. Attached hereto as **Exhibit 70** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-021202, dated February 8, 2019 from [REDACTED]

21. Attached hereto as **Exhibit 71** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-021929, entitled [REDACTED]

22. Attached hereto as **Exhibit 72** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-0024123-24132, entitled [REDACTED]

23. Attached hereto as **Exhibit 73** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-021930, entitled [REDACTED]

24. Attached hereto as **Exhibit 74** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-020977-20980, dated September 28, 2018 between [REDACTED]

25. Attached hereto as **Exhibit 75** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-026432-26433, dated April 12, 2016 between [REDACTED]

26. Attached hereto as **Exhibit 76** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-017012-17038, dated October 2018 and entitled [REDACTED]

27. Attached hereto as **Exhibit 77** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT00040827-40828, a copy of a page of AT&T's website offering "5G Evolution" phones (as of February 6, 2019).

28. Attached hereto as **Exhibit 78** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT00040893-40896, an article from AdAge, dated January 11, 2019 and entitled "AT&T's 5G Stunt is Decried as Misleading and a Marketing Ploy."

29. Attached hereto as **Exhibit 79** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT00040689-40691, an article from ArsTechnica, dated entitled "AT&T's decides 4G is now '5G.' starts issuing icon-changing software updates."

30. Attached hereto as **Exhibit 80** is a true and correct copy of excerpts from the March 12, 2019 Deposition of Jennifer Biry in this action.

31. Attached hereto as **Exhibit 81** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-020134, dated October 17, 2018 from [REDACTED]

[REDACTED]

32. Attached hereto as **Exhibit 82** is a true and correct copy of a document entitled “The dawn of the 5G world,” featured in the *Washington Post*, and dated December 14, 2018.

33. Attached hereto as **Exhibit 83** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-008197-8199, dated January 23, 2019 from

[REDACTED]

34. Attached hereto as **Exhibit 84** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-016929-16946, dated November 2, 2016 and entitled

[REDACTED]

35. Attached hereto as **Exhibit 85** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-001841-1843, dated February 27, 2018 from

[REDACTED]

36. Attached hereto also as **Exhibit 86** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-035009.

37. Attached hereto also as **Exhibit 87** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-035017.

38. Attached hereto as **Exhibit 88** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-0021932, entitled [REDACTED]

39. Attached hereto as **Exhibit 89** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-023389-23421, dated February 28, 2018 and entitled

[REDACTED]

40. Attached hereto as **Exhibit 90** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-028277-28328, dated November 2017 and entitled [REDACTED]

[REDACTED]

41. Attached hereto as **Exhibit 91** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT00027678-35015, from TheVerge.com, dated February 4, 2019, and entitled "Apple just endorsed AT&T's fake 5G E network," available online at <https://www.theverge.com/2019/2/4/18211044/apple-att-5g-e-network-icon-iphones-misleading-ios-software-update-beta> (as of Apr. 5, 2019).

42. Attached hereto as **Exhibit 92** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-0023241-23242, dated December 17, 2018 from [REDACTED]

[REDACTED]

43. Attached hereto as **Exhibit 93** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-005161-95192, dated April 18, 2018 and entitled [REDACTED]

[REDACTED]

44. Attached hereto as **Exhibit 94** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-021794-21797, dated May 22, 2018 from

[REDACTED]

[REDACTED]

45. Attached hereto as **Exhibit 95** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-021799-21815, dated May 16, 2018 and entitled

[REDACTED]

46. Attached hereto as **Exhibit 96** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-018521-18552, dated January 24, 2019 and entitled [REDACTED]

47. Attached hereto as **Exhibit 97** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-008122-8129, dated December 2018 and entitled [REDACTED]

48. Attached hereto as **Exhibit 98** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-023171-23172, dated February 22, 2019 from [REDACTED]

49. Attached hereto as **Exhibit 99** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-013875-13882, dated October 17, 2018 and entitled [REDACTED]

50. Attached hereto as **Exhibit 100** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-020985, dated November 1, 2018 between [REDACTED]

51. Attached hereto as **Exhibit 101** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-020145-20146, an email dated December 5, 2018 between [REDACTED]

52. Attached hereto as **Exhibit 102** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-013347-13385, dated August 20, 2018 and entitled [REDACTED]

53. Attached hereto as **Exhibit 103** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-019367, an email chain dated June 9, 2018 from

[REDACTED]

[REDACTED]

54. Attached hereto as **Exhibit 104** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-024314-24315, an email chain dated January 7, 2019 from [REDACTED]

[REDACTED]

55. Attached hereto as **Exhibit 105** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-024316-24342, entitled [REDACTED]

56. Attached hereto as **Exhibit 106** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-022458-22498, entitled [REDACTED]

57. Attached hereto as **Exhibit 107** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-006200-6227, dated March 20, 2018 and entitled [REDACTED]

58. Attached hereto as **Exhibit 108** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-022148 dated March 26, 2018 and entitled [REDACTED]

[REDACTED]

59. Attached hereto as **Exhibit 109** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-021303-21305, an email chain dated October 31, 2018 from [REDACTED]

[REDACTED]

60. Attached hereto as **Exhibit 110** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-026488-26489, an email chain dated May 2, 2018 from [REDACTED]



61. Attached hereto as **Exhibit 111** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-018484-18516, dated January 10, 2019 and entitled

[REDACTED]

62. Attached hereto as **Exhibit 112** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-025306, dated November 13, 2018 from Andrew Wilson to Jeff Howard with the subject [REDACTED]

63. Attached hereto as **Exhibit 113** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-026526, dated February 12, 2018 from [REDACTED]

[REDACTED]

64. Attached hereto as **Exhibit 114** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-021928, dated March 12, 2018 from [REDACTED]

[REDACTED]

65. Attached hereto as **Exhibit 115** is a true and correct copy of an email chain document produced by AT&T, bearing bates number ATTM-011294-11296, an email chain dated July 27, 2017 from [REDACTED]

[REDACTED]

66. Attached hereto as **Exhibit 116** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-017070-17083, dated September 25, 2018 and entitled

[REDACTED]

67. Attached hereto as **Exhibit 117** is a true and correct copy of an email chain produced by AT&T, bearing bates number ATTM-019097-19099, dated November 21, 2018 from [REDACTED]

[REDACTED]

68. Attached hereto as **Exhibit 118** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-002060-2069, dated July 20, 2018 and entitled [REDACTED]

69. Attached hereto as **Exhibit 119** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-023241-23242, an email chain dated December 17, 2018 from [REDACTED]

70. Attached hereto as **Exhibit 120** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-005161-5192, dated April 18, 2018 and entitled [REDACTED]

71. Attached hereto as **Exhibit 121** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-005150, entitled [REDACTED]

72. Attached hereto as **Exhibit 122** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-021875-21895, dated January 26, 2018 and entitled [REDACTED]

73. Attached hereto as **Exhibit 123** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-005041-5071, dated February 12, 2019 and entitled [REDACTED]

74. Attached hereto as **Exhibit 124** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-008044-8058, a document dated November 20, 2018 and entitled [REDACTED]

75. Attached hereto as **Exhibit 125** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-005229-5263, dated January 3, 2019 and entitled [REDACTED]

76. Attached hereto as **Exhibit 126** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-005747-5762, entitled [REDACTED]

77. Attached hereto as **Exhibit 127** is a true and correct copy of ATTM-005268-5512, a document produced by AT&T entitled [REDACTED]

78. Attached hereto as **Exhibit 128** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-006026, a document with the heading [REDACTED]

79. Attached hereto as **Exhibit 129** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-005763-6007, entitled [REDACTED]

80. Attached hereto as **Exhibit 130** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-006008-6023, entitled [REDACTED]

81. Attached hereto as **Exhibit 131** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-006024-6026, a document with the heading [REDACTED]

82. Attached hereto as **Exhibit 132** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-026853-26876, an email dated January 3, 2019 from [REDACTED]

83. Attached hereto as **Exhibit 133** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-026901-26902, entitled [REDACTED]

84. Attached hereto as **Exhibit 134** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-026922-26930, dated October 17, 2018 and entitled

[REDACTED]

85. Attached hereto as **Exhibit 134** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-026942-26946, an email dated January 24, 2019 from

[REDACTED]

86. Attached hereto as **Exhibit 135** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-027014, dated March 29, 2017 and entitled [REDACTED]

[REDACTED]

87. Attached hereto as **Exhibit 136** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-027158-27170, entitled “Written Testimony of Marcelo Claire, Executive Chairman, Sprint Corporation.”

88. Attached hereto as **Exhibit 137** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-027172, a document entitled “5 Facts on AT&T 5G.”

89. Attached hereto as **Exhibit 138** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-027309-27321, dated May 2018 and entitled [REDACTED]

[REDACTED]

90. Attached hereto as **Exhibit 139** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-027538-27587, dated December 7, 2016 and entitled

[REDACTED]

[REDACTED]

91. Attached hereto as **Exhibit 140** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-027588-28265, a redacted version of the Description of Transaction, Public Interest Statement, and related demonstrations of Application to Transfer of Control of FCC Authorizations from Sprint to T-Mobile dated June 18, 2018.

92. Attached hereto as **Exhibit 141** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-028499, a press release dated January 18, 2012 and entitled “IMT Advanced standards announced for next-generation mobile technology.”

93. Attached hereto as **Exhibit 142** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-028500, a press release dated October 21, 2010 and entitled “ITU paves way for next-generation 4G mobile technologies.”

94. Attached hereto as **Exhibit 143** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-028501-28508 entitled [REDACTED]

95. Attached hereto as **Exhibit 144** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-028630-28639, a draft 5G Strategy announcement dated 2017.

96. Attached hereto as **Exhibit 145** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-028640-28656, a Wall Street Journal advertisement dated February 27, 2019.

97. Attached hereto as **Exhibit 146** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-028657-28838, a Federal Communications Commission (FCC) Fact Sheet dated November 21, 2018.

98. Attached hereto as **Exhibit 147** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-029001-29271, a document dated October 2018 and entitled “Wireless Technology Evolution: Transition from 4G to 5G: 3GPP Releases 14 to 16.”

99. Attached hereto as **Exhibit 148** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-029272-29310, dated 2018 and entitled “The 5G Era in the US.”

100. Attached hereto as **Exhibit 149** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-030057-30058, entitled [REDACTED]

101. Attached hereto as **Exhibit 150** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-030059-30062, a document entitled [REDACTED]

102. Attached hereto as **Exhibit 151** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-033526-33594, a presentation by Anna-Maria Kovacs dated August 2018 and entitled “Competition in the U.S. Wireless Services Market.”

103. Attached hereto as **Exhibit 152** is a true and correct copy of ATTM-033590-33595, 5G advertisements from the March 17, 2019 issue of the New York Times.

104. Attached hereto as **Exhibit 153** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-034458-34468, dated February 15, 2019 and entitled “International Telecommunication Union – Radiocommunication Sector ITU-R FAQ on International Mobile Telecommunications.”

105. Attached hereto as **Exhibit 154** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-034469-34489, an ITU-R presentation dated September 2015 and entitled “IMT Vision – Framework and overall objectives of the future development of IMT for 2020 and beyond.”

106. Attached hereto as **Exhibit 155** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT00041562-41565, a 5G Evolution Network TSDR Status Page.

107. Attached hereto as **Exhibit 156** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT00041567-41570, a 5G Evolution TSDR Status Page.

108. Attached hereto as **Exhibit 157** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT00041571-41574, a 5G Evolution TSDR Status Page.

109. Attached hereto as **Exhibit 158** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT00040879-40881, entitled “AT&T CEO on Sprint 5GE E ‘deception’ lawsuit: Label stands for ‘evolution.’”

110. Attached hereto as **Exhibit 159** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-018865-18869, an article titled “AT&T Details 5G Evolution”.

111. Attached hereto as **Exhibit 160** is a true and correct copy of a document produced by AT&T, bearing bates number ATTM-035008, an email dated December 6, 2018 from [REDACTED]

112. Attached hereto as **Exhibit 161** is a true and correct copy of a document produced by Sprint, bearing bates number SPNT-00047581.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
April 5, 2019



CRAIG B. WHITNEY